Supreme Court, U.S.
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No. 91-1420

In The
Supreme Court of the United States
October Term, 1991

JOAN GROWE, SECRETARY OF STATE OF THE STATE OF MINNESOTA, ET AL.,
Appellants,

vs.

JAMES EMISON, ET AL.,
Appellees.

Appeal from the United States District Court for the District of Minnesota

JOINT APPENDIX

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Emison, et al v. Growe, et al.

U.S. District Court
District of Minnesota (Minneapolis)

CIVIL DOCKET FOR CASE #: 91-CV-202

Emison, et al v. Growe, et al — Filed: 3/18/91
Assigned to: Judge Harry H MacLaughlin
Referred to: Magistrate Judge Floyd E Boline
Demand: $0,000 — Nature of Suit: 441
Lead Docket: None — Jurisdiction: Federal Question
Dkt# in other court: None

Cause: 28:1343 Violation of Civil Rights

3/18/91	1	COMPLAINT - Summons issued. Assigned to Judge Harry H. MacLaughlin per Civil Rights list and referred to Magistrate Judge Franklin L. Noel (22 pages) (ps) [Entry date 03/19/91] [4:91cv202]
3/19/91	2	RETURN OF SERVICE (Summons) executed upon defendant Joan Anderson Growe on 3/19/91 (jr) [Entry date 03/20/91] [4:91cv202]
3/19/91	2	RETURN OF SERVICE (Summons) executed upon defendant Mark Lundgren on 3/19/91 (jr) [Entry date 03/20/91] [4:91cv202]

3/29/91	3	AMENDED COMPLAINT [1-1] by plaintiffs (23 pgs) - Amended Summons issued (sh) [Entry date 04/02/91] [4:91cv202]
4/1/91	4	RETURN OF SERVICE (Amended Summons) executed upon defendant Joan Anderson Growe on 3/29/91 (jr) [Entry date 04/04/91] [4:91cv202]
4/1/91	4	RETURN OF SERVICE (Amended Summons) executed upon defendant Mark Lundgren on 3/29/91 (jr) [Entry date 04/04/91] [4:91cv202]
4/2/91	5	MOTION to intervene by MN House of Representatives and the MN State Senate (to Magistrate Judge Franklin L. Noel) Ret. 5/20/91 at 11:00 a.m. (jr) [Entry date 04/04/91] [4:91cv202]
4/15/91	6	ORDER (Judge Donald P. Lay/4/8/91) for designation of three-judge district court as follows: Donald P. Lay, Chief Judge of the United States Court of Appeals for the Eighth Circuit Court, and the Honorable Paul Magnuson, United States District Court Judge, to serve with the Honorable Harry H. MacLaughlin, United States District Court Judge, as members of, and with him to constitute the District Court to hear and determine this action. (c: attys.) (jr) [Entry date 04/16/91] [4:91cv202]
4/16/91	7	ANSWER by defendant Mark Lundgren (jr) [4:91cv202]

5/1/91	9	Memorandum by intervenor MN House of Representatives, intervenor MN State Senate in support of their motion to intervene [5-1] [8-1] (jr) [Entry date 05/03/91] [4:91cv202]
5/6/91	10	Separate ANSWER by defendant Joan Growe (jr) [Entry date 05/08/91] [4:91cv202]
5/16/91	11	ORDER (Magistrate Judge Franklin L. Noel / 5/15/91) that the motion of the Seventy-seventh Minnesota State House of Representatives and the Seventy-seventh Minnesota State Senate to intervene in this matter is GRANTED. (c: attys.) (jr) [4:91cv202]
5/16/91	12	Joint ANSWER of the Minnesota House of Representative and the Minnesota Senate (Intervening defendants) (jr) [Edit date 05/16/91] [4:91cv202]
5/16/91	13	Amended Joint ANSWER of the Minnesota House of Representatives and the Minnesota Senate (Intervening defendants) (jr) [4:91cv202]
7/17/91	14	Statement of case as to defendants (jr) [4:91cv202]
7/17/91	15	Statement of case as to intervenor defendants Minnesota Senate and Minnesota House of Representatives (jr) [Entry date 07/18/91] [4:91cv202]

7/17/91	16	Statement of case as to plaintiffs (jr) [Entry date 07/18/91] [4:91cv202]
7/31/91	17	ORDER (Judge Donald R. Lay / 7/23/91) The question of a stay or abstention by the federal court pending legislative action or state court proceedings involving similar issues shall be processed as follows: 1. All motions for stay and motions for this court to abstain pending further proceedings by the state legislature and state court shall be filed, with accompanying briefs, on or before August 2, 1991; 2. All objections to said motions for stay or abstention, with accompanying briefs, shall be filed on or before August 9, 1991; and 3. The movants may file a reply brief on or before August 16, 1991. (c: attys.) (2 pgs) (jr) [4:91cv202]
8/2/91	18	MOTION by intervenors Minnesota Legislature to stay proceedings pending outcome of state court action (before Court of Appeals Chief Judge Donald P. Lay, District Court Judge Harry H. MacLaughlin, and District Court Judge Paul A. Magnuson, and to abstain from redrawing Minnesota legislative districts until 3/1/92 and Minnesota congressional districts until 4/1/92 (no date/time noticed) (3 pgs) (sh) [Entry date 08/05/91] [4:91cv202]
8/2/91	19	APPENDIX A: EXHIBIT to intervenor Minnesota Legislature's motion for the court to abstain [18-1]

[18-2] (sh) [Entry date 08/05/91] [4:91cv202]

8/2/91 20 MEMORANDUM by intervenor Minnesota Legislature in support of their motion to stay proceedings pending outcome of state court action [18-1] and to abstain from redrawing Minnesota legislative districts until 3/1/92 and Minnesota congressional districts until 4/1/92 [18-2] (13 pgs) (sh) [Entry date 08/05/91] [4:91cv202]

8/2/91 21 MOTION by defendant Joan Anderson Growe to stay proceedings until state judiciary takes action with respect to legislative and congressional redistricting (no date/time noticed) (2 pgs) (sh) [Entry date 08/05/91] [Edit date 08/05/91] [4:91cv202]

8/2/91 22 MEMORANDUM by defendant Joan Anderson Growe in support of her motion to stay proceedings until state judiciary takes action with respect to legislative and congressional redistricting [21-1] (7 pgs) (sh) [Entry date 08/05/91] [4:91cv202]

8/2/91 23 MOTION by plaintiffs to stay the separate state court proceedings and enjoining all parties to that action, the three-judge panel, the Minnesota Supreme Court, Court of Appeals and District Courts from conducting any further proceedings (no date/time noticed) (2 pgs) (sh) [Entry date 08/05/91] [Edit date 08/05/91] [4:91cv202]

8/2/91 24 MEMORANDUM by plaintiffs in support of their motion to stay the separate state court proceedings and enjoining all parties to that action, the three-judge panel, the Minnesota Court, Court of Appeals and District Courts from conducting any further proceedings [23-1] (28 pgs) (sh)[Entry date 08/05/91] [4:91cv202]

8/2/91 25 AFFIDAVIT of Bruce D. Willis, regarding attached exhibits,in support of plaintiffs' motion to stay the separate state court proceedings and enjoining all parties to that action,the three-judge panel, the Minnesota Court, Court of Appeals and District Courts from conducting any further proceedings [23-1] (2 pgs, plus exhibits) (sh)[Entry date 08/05/91] [4:91cv202]

8/9/91 26 MEMORANDUM by plaintiffs in opposition to defendants' motions for federal court to abstain or stay [21-1] [18-1][18-2] (17 pgs) (sh) [Entry date 08/12/91] [4:91cv202]

8/9/91 27 MEMORANDUM by Minnesota Legislature in opposition to plaintiffs' motion to stay separate state court proceedings[23-1] (18 pgs) (sh) [Entry date 08/12/91] [4:91cv202]

8/9/91 28 MOTION to intervene by Patricia Cotlow, Phillip Krass, Sharon LaComb, James Stein, Theodore Suss (no judge noticed in motion) (no date/time

noticed) (3 pgs) (sh)[Entry date 08/12/91] [4:91cv202]

8/9/91 29 MEMORANDUM by intervenor-plaintiffs in support of their motion to intervene (3 pgs) (sh) [Entry date 08/12/91][4:91cv202]

8/9/91 30 MEMORANDUM by intervenor-plaintiffs in opposition to plaintiffs' motion to stay [23-1] (6 pgs) (sh) [Entry date 08/12/91] [4:91cv202]

8/9/91 31 OBJECTIONS by defendants, Mark Lundgren, Carver County Auditor, individually and on behalf of all county auditors of the State of Minnesota, to motions for the court to abstain (2 pgs) (sh) [Entry date 08/13/91] [4:91cv202]

8/9/91 32 MEMORANDUM by defendant Joan Anderson Growe in opposition to plaintiffs' motion to stay state court proceedings[23-1] (11 pgs, plus exhibits) (sh) [Entry date 08/13/91][4: 91cv202]

8/16/91 33 ORDER of Reassignment of Companion Case (Judge Harry H. MacLaughlin and David S. Doty / 8/16/91) related case No. 4:91cv603 reassigned to Judge Harry H. MacLaughlin (cc: all counsel) (2 pgs) (sh) [4:91cv202]

8/16/91 34 Plaintiffs' REPLY MEMORANDUM in support of motion to stay separate state court proceedings

[23-1] (7 pgs) (jr) [Entry date 08/19/91] [4:91cv202]

8/16/91 35 REPLY MEMORANDUM of the Minnesota Legislature in support of its motion for the court to abstain [18-2] (11 pgs) (jr) [Entry date 08/19/91] [4:91cv202]

8/21/91 36 MEMORANDUM, OPINION, AND ORDER: (Judge Harry H. MacLaughlin / Judge Donald P. Lay / Judge Paul Magnuson 8/21/91) Re: various motions brought by parties in action (see document #37 for rulings on these motions) (copies obtained by counsel from Judge Harry H. MacLaughlin's chambers) (jr) [Edit date 08/21/91] [4:91cv202]

8/21/91 37 ORDER (Judge Harry H. MacLaughlin / Judge Donald P. Lay / Judge Paul Magnuson 8/21/91) Pursuant to memorandum opinion (document #36) filed this date, this court orders as follows: 1. The motion for intervention by Patricia Cotlow, et al is hereby granted. 2. The action filed by Benson, Dempsey, et al v. Growe, et al. (Court No. 4-91-603) is hereby consolidated with the action entitled Emison, et al v. Growe, et al. (Court File No. 4-91-202). 3. The motion to defer pending further legislative proceeding in the above entitled actions is hereby granted. 4. The motion to abstain pending further state proceedings is hereby denied.

5. The motion to pending state court proceedings is hereby denied. 6. The redistricting plan for the Minnesota House and Minnesota Senate as well as the congressional districts for the State of Minnesota shall be presented to the court on or before January 20, 1990. (copies obtained by counsel from Judge Harry H. MacLaughlin's chambers) (jr) [Edit date 08/21/91] [4:91cv202]

8/21/91 42 INTERVENOR'S COMPLAINT by intervenor-plaintiff Patricia Cotlow, intervenor-plaintiff Phillip Krass, intervenor-plaintiff Sharon LaComb, intervenor-plaintiff James Stein (jr) [Entry date 09/19/91] [4:91cv202]

8/27/91 38 ORDER (Judge Donald P. Lay / 8/27/91) Re: appointment of Joseph Dixon, John Hoyt, and Gregory L. Wilmes as Special Masters (effective 9/3/91) and the duties they will perform, the employing of necessary technical and clerical assistance needed to complete duties, and compensation to these Special Masters and supporting personnel which shall be fixed by the court and shall be taxed to the State of Minnesota at the appropriate time (c: attys.) (copy faxed to Judge Paul A. Magnuson and copy dlvd to Judge Harry H. MacLaughlin's chambers personally) (jr) [Entry date 08/28/91] [Edit date 08/28/91] [4:91cv202]

9/4/91 39 ANSWER by defendant Joan Growe to first amended complaint of Duane Benson, et al (jr) [Entry date 09/05/91][4:91cv202]

9/17/91 40 Minnesota Legislature's ANSWER to the complaint in intervention of intervenors Patricia Cotlow, Sharon LaComb, Phillip Krass, James Stein and Theodore Suss (jr) [Entry date 09/18/91] [4:91cv202]

9/17/91 41 Joint Answer of defendants Joan Growe, Secretary of State of the State of Minnesota and Mark Lundgren, Carver County Auditor, to Complaint in Intervention of Patricia Cotlow, et al (jr) [Entry date 09/18/91] [4:91cv202]

9/17/91 44 Copy of August 25, 1991 Memorandum of Senate Counsel Peter S. Wattson to Senator Lawrence J. Pogemiller and Peter Rodosovich (jr) [Entry date 09/19/91] [Edit date 09/19/91] [4:91cv202]

9/17/91 45 Copy of Senate File 1596/House File 1726 (jr) [Entry date 09/19/91] [Edit date 09/19/91] [4:91cv202]

9/17/91 46 Exhibits relating to copy of Senate File 1596/House File 1726 [45-1] (separate - in expandable folder) (jr) [Entry date 09/19/91] [4:91cv202]

9/17/91 47 "E-size" maps of Senate File 1596/House File 1726 - exhibit to copy of Senate & House File [45-1]. (Separate - in Bin 10 in Exhibit Room) (jr) [Entry date 09/19/91] [4:91cv202]

9/25/91 48 MOTION to intervene as deft. by Patrick O'Connor (no Judge noticed in motion) no time or date noticed (jr) [Entry date 09/26/91] [Edit date 09/26/91] [4:91cv202]

9/25/91 49 Memorandum by applicant intervenor-defendant Patrick O'Connor in support of motion to intervene [48-1] (jr) [Entry date 09/26/91] [Edit date 09/26/91] [4:91cv202]

9/25/91 50 ORDER (Judge Harry H. MacLaughlin / 9/25/91) Re: Establishing Master Docket and The consolidation of 4:91-cv-202 with member case 4:91-cv-603. The master docket shall be maintained under Civil Action Number 4-91-202. (c: attys., Judge Lay, Judge Magnuson, Judge MacLaughlin, and Special Master) (jr) [Entry date 09/27/91] [4:91cv202]

9/25/91 51 COMPLAINT - Summons issued. Assigned to Judge David S. Doty per civil rights list and referred to Magistrate Judge Floyd E. Boline (17 pages). Per cover sheet, another case with same issue is Civil 4-91-202 assigned to Judge MacLaughlin. (this original document removed from 4-91 Civil 603 (previously filed on 8/9/91) &

filed in this civil action pursuant to Court Order re: establishment of Master Docket (document #50)). (jr) [Entry date 09/30/91] [Edit date 09/30/91] [4:91cv202]

9/25/91 52 FIRST AMENDED COMPLAINT [51-1] by plaintiffs, Duane Benson, Terry Dempsey, Delores Hettig, Richard Harmon, David E. Peterson, E. M. Patricia Pidcock, and Frank Ringsmuth (16 pgs, plus exhibits) (this original document removed from 4-91 Civil 603 (previously filed 8/14/91) and filed in this action pursuant to Court order re: establishment of Master Docket (document #50)). (jr) [Entry date 09/30/91] [Edit date 09/30/91] [4:91cv202]

9/25/91 53 RETURN OF SERVICE (Summons) executed upon defendant Joan Anderson Growe on 8/14/91 (this original document removed from 4-91 Civil 603 (previously filed 8/15/91) and filed in this action pursuant to Court order re: establishment of Master Docket (document #50)). (jr) [Entry date 09/30/91] [Edit date 09/30/91] [4:91cv202]

10/1/91 54 Intervening pltfs' proposed criteria for redistricting (5 pgs) (jr) [4:91cv202]

10/1/91 55 Memorandum by intervening defts, the Legislature, regarding criteria for legislative and congressional redistricting plans. (jr) [4:91cv202]

10/1/91 56 Exhibits to the Memorandum of the MN Legislature [55-1] regarding criteria for legislative and congressional redistricting plans (jr) [4:91cv202]

10/1/91 57 Pltfs' proposed criteria for redistricting (jr) [Entry date 10/02/91] [Edit date 10/02/91] [4:91cv202]

10/1/91 58 Secretary of State Joan Growe's proposed criteria for redistricting plans (6 pgs) (sh) [Entry date 10/02/91] [4:91cv202]

10/2/91 59 ORDER (Judge Harry H. MacLaughlin / 10/2/91) that the motion of the Hennepin County Auditor, Patrick 0'Connor, individually and on behalf of all county auditors of the State of Minnesota, is hereby granted. [48-1] (cc: all counsel) (3 pgs) (sh) [4:91cv202]

10/2/91 76 ANSWER by intervenor-defendant Patrick O'Connor, Hennepin County Auditor to amended complaint of James Emison, et al (jr) [Entry date 10/23/91] [4:91cv202]

10/2/91 77 ANSWER of Patrick O' Connor, Hennepin County Auditor, to the first amended complaint of Duane Benson, et al (jr) [Entry date 10/23/91] [4:91cv202]

10/5/91 60 ORDER (United States Circuit Judge Donald P. Lay / 10/4/91) Re: documents that must be and

also that may be filed with the Court after the Court reviewed suggested criteria for reapportionment submitted by counsel. The three-judge court will hold a hearing ret. 10/11/91 at 9:00 a.m. in Court Room #1 on the fifth floor of the Federal Court Building, 316 N. Robert St., St. Paul, MN for the purpose of hearing arguments on the proposed criteria for reapportionment. The Court intends to issue its opinion on the criteria to be utilized for reapportionment no later than 10/22/91. (copies mailed to counsel from St. Paul Clerk's office) (jr) [Entry date 10/07/91] [4:91cv202]

10/10/91 61 Memorandum of the Minnesota Legislature in response to criteria previously submitted to the Court [54-1] [55-1] [57-1] [58-1] (jr) [Entry date 10/11/91] [4:91cv202]

10/10/91 65 Plaintiffs' responses to redistricting criteria proposed by other parties [54-1] [55-1] [58-1] (jr) [Entry date 10/11/91] [4:91cv202]

10/10/91 66 Intervening-plaintiffs' response to pltfs' proposed criteria for redistricting [57-1] (jr) [Entry date 10/11/91] [4:91cv202]

10/10/91 67 MOTION by intervenor-plaintiff to vacate order of October 4, 1991 (no Judge noticed in motion) no date or time noticed (jr) [Entry date 10/11/91] [4:91cv202]

10/10/91 68 Memorandum by intervenor-plaintiffs' in support of motion to vacate order of October 4, 1991 [67-1] (jr) [Entry date 10/11/91] [4:91cv202]

10/10/91 69 MOTION by plaintiffs Duane Benson, et al (pltfs' in 4-91-603) for summary judgment (no Judge noticed in motion) no date or time noticed (jr) [Entry date 10/15/91] [4:91cv202]

10/10/91 70 AFFIDAVIT of Terry Dempsey regarding motion of pltfs' Duane Benson, et al for summary judgment [69-1] (jr) [Entry date 10/15/91] [4:91cv202]

10/10/91 71 Memorandum by plaintiffs' Duane Benson, et al supporting motion for summary judgment [69-1] (jr) [Entry date 10/15/91] [4:91cv202]

10/10/91 72 RESPONSE by plaintiffs Duane Benson et al to memorandum to criteria proposed by deft., Joan Growe, Intervening pltfs Cotlow, et al., and intervening deft., MN Legislature [54-1] [55-1] [58-1] (jr) [Entry date 10/15/91] [4:91cv202]

10/11/91 73 AFFIDAVIT of Governor Arne H. Carlson regarding response [72-1] by the Benson pltfs, et al to criteria proposed by deft., Growe, Intervening pltfs Cotlow, et al., and Intervening deft., MN Legislature (jr) [Entry date 10/15/91] [4:91cv202]

10/11/91 75 RESPONSE by intervenor-defendant, Patrick O'Connor, County Auditor, to proposed criteria (jr) [Entry date 10/22/91] [Edit date 10/22/91] [4:91cv202]

10/21/91 74 ORDER (Judge Harry H. MacLaughlin/Judge Paul Magnuson/Judge Donald P. Lay) Re: criteria to be consistently followed when planning the apportioning of the Minnesota congressional and legislative districts. (c: attys) (jr) [4:91cv202]

10/31/91 78 LETTER to court from pltfs (4:91cv603) regarding memorandum opinion and order dated 8/21/91 in which the Court ordered the parties to submit, if they choose, their suggested legislative and congressional plans for reapportionment; pltfs advise the Court that they will not be submitting said plans in their specific case 4:91cv603, later consolidated in master case 4:91cv202 (2 pgs) (sh) [Entry date 11/04/91] [4:91cv202]

10/31/91 79 Hennepin County Auditor's Proposed Legislative Plan (4 pgs) (sh) [Entry date 11/04/91] [4:91cv202]

10/31/91 80 Pltfs' Report on Congressional Redistricting Plans (separate) (sh) [Entry date 11/04/91] [4:91cv202]

10/31/91 81 Pltfs' Report on Legislative Redistricting Plans (separate) (sh) [Entry date 11/04/91] [4:91cv202]

10/31/91 82 Maps of Pltfs' Proposed Congressional Redistricting and Maps of Pltfs' Proposed Legislative Redistricting (separate - in Exhibit Room, Bin 10) (sh) [Entry date 11/04/91] [4:91cv202]

10/31/91 83 The Minnesota Legislature's Memorandum Regarding Its Legislative and Congressional Redistricting Plans (8 pgs) (sh) [Entry date 11/04/91] [4:91cv202]

10/31/91 84 Senate File 1597/House File 1728 and Exhibits (separate) (sh) [Entry date 11/04/91] [4:91cv202]

10/31/91 85 E-size map regarding Senate File 1597/House File 1728 -1992 Congressional Districts (separate) (sh) [Entry date 11/04/91] [4:91cv202]

10/31/91 87 Letter RESPONSE by defendant Joan Anderson Growe in support of the Legislature's proposed congressional redistricting plan [83-1] [84-1] [85-1] (1 pg) (sh) [Entry date 11/05/91] [4:91cv202]

11/4/91 86 Intervening Pltfs' Proposed Plans of Legislative and Congressional Redistricting (9 pgs, plus exh) (sh) [4:91cv202]

11/12/91 88 Hennepin County Auditor Response to Proposed Plans (11 pgs) (sh) [4:91cv202]

11/12/91 89 Letter RESPONSE by pltfs Benson, Dempsey, et al. to proposed plans (2 pgs) (sh) [Entry date 11/13/91] [4:91cv202]

11/12/91 90 Pltfs' memorandum RESPONSE regarding redistricting plans (25 pgs) (sh) [Entry date 11/13/91] [4:91cv202]

11/12/91 91 Memorandum of the Minnesota Legislature in RESPONSE to the Emison Pltfs' proposed legislative and congressional redistricting plans (27 pgs) (sh) [Entry date 11/13/91] [4:91cv202]

11/12/91 92 Secretary of State Joan Growe's RESPONSE to plaintiffs' proposed redistricting plans (6 pgs) (sh) [Entry date 11/13/91] [4:91cv202]

11/12/91 93 Letter RESPONSE by intervenor-plaintiffs to the proposed congressional redistricting plan of the pltfs Emison, et al. (3 pgs) (sh) [Entry date 11/13/91] [4:91cv202]

11/27/91 94 ORDER (Chief Judge Donald P. Lay, U. S. Circuit Judge, Sitting by Special Designation / 11/27/91) setting hearing of motion for summary judgment of pltfs, Duane Benson, et al., in courtroom number 1, fifth floor, 316 N. Robert St., St. Paul, [69-1] on 12/4/91 at 2:00 p.m. (cc: all counsel) (3 pgs) (sh) [Entry date 11/29/91] [4:91cv202]

12/4/91 95 Memorandum in opposition by intervenors, The Minnesota Legislature (The House and The Senate) to Benson Plaintiffs' motion for summary judgment [69-1] (jr) [4:91cv202]

12/4/91 96 MEMORANDUM by intervening plaintiffs in opposition to Benson plaintiffs' motion for summary judgment [69-1] (3 pgs) (sh) [4:91cv202]

12/4/91 97 MEMORANDUM by defendant Secretary of State Joan Anderson Growe in opposition to Benson plaintiffs' motion for summary judgment [69-1] (6 pgs) (sh) [4:91cv202]

12/5/91 98 ORDER of Stay of All Proceedings Pending Before the Minnesota Special Redistricting Panel in Cotlow v. Growe, No. C8-91-985 (Judges Lay, MacLaughlin, and Magnuson): Enjoining all proceedings in Cotlow v. Growe, No. C8-91-985, pending before the State of Minnesota Special Redistricting Panel. All previous orders of the above Special Redistricting Panel and any future orders that panel may issue relating to the adoption of any state redistricting plan or congressional redistricting plan are hereby stayed until further order of this court. Each of the parties and their counsel in the federal proceeding are hereby enjoined from attempting to enforce or implement any order of the above Minnesota Special Redistricting Panel which has proposed adoption of a reapportionment plan relating to

state redistricting or congressional redistricting until further order of this court. Each party shall be given notice forthwith of this court's order. A copy of this court's order shall be served on the Minnesota Special Redistricting Panel by serving the Clerk of the Appellate Courts, Minnesota Judicial Center. Notice of this order shall also be served upon the Governor of the State of Minnesota, Arnold Carlson, and Hubert Humphrey III, Attorney General of the State of Minnesota. (cc: all counsel) (22 pgs) (sh) [4:91cv202]

12/5/91 99 JUDGMENT entered (see docket entry #98) (1 pg) (sh) [4:91cv202]

12/6/91 100 Plaintiffs' memorandum of law concerning the unconstitutionality of chapter 246 (jr) [Entry date 12/16/91] [4:91cv202]

12/13/91 101 NOTICE OF APPEAL by Patricia Cotlow, Phillip Krass, Sharon LaComb, James Stein and Theodore Suss, Intervening plaintiffs; Joan Growe, Secretary of State of the State of Minnesota, Defendant; Patrick O'Connor, Hennepin County Auditor of the State of Minnesota, Intervening defendant; and the Seventy-seventh Minnesota State House of Representative and the Seventy-seventh Minnesota State Senate, Intervening Defendants, to the Supreme Court from the Order of Stay and the Judgment entered in this action on 12/5/91 [98-1] [99-1] (jr) [Entry date 12/16/91] [4:91cv202]

12/16/91 102 RESPONSE to proposed plans by City of Delano and Carver County Auditor (10 pgs) (sh) [Entry date 12/17/91] [4:91cv202]

1/3/92 105 ORDER (Chief Judge Lay / 1/3/92) reschedule hearing set for 1/27/92; hearing to be held on 2/4/92 at 9:30 a.m., fifth floor, courtroom number one, 316 N. Robert St., St. Paul(cc: all counsel) (3 pgs) (sh) [4:91cv202]

1/10/92 106 Memorandum RESPONSE by Hennepin County Auditor to Court's Inquiry (9 pgs) (sh) [4:91cv202]

1/10/92 107 MEMORANDUM by plaintiffs' regarding the unfairness of the legislature's redistricting plans (21 pgs + exhibits) (jr) [Entry date 01/13/92] [4:91cv202]

1/10/92 108 Brief by intervening plaintiffs' regarding "unfairness" (8 pgs)' (jr) [Entry date 01/13/92] [4:91cv202]

1/13/92 109 Secretary of State Joan Growe's response to court's inquiry [105-2] (jr) [4:91cv202]

1/14/92 110 AFFIDAVIT of Lawrence J. Pogemiller (this document is a copy; however, pursuant to amendment to F.R.Civ.P.5 filed copy) (jr) [Entry date 01/15/92] [4:91cv202]

1/14/92 111 AFFIDAVIT of Peter Rodosovich (this document is a copy; however, pursuant to amendment to F.R.Civ.P.5 filed copy) (jr) [Entry date 01/15/92] [4:91cv202]

1/14/92 112 AFFIDAVIT of Peter S. Wattson (jr) [Entry date 01/15/92] [4:91cv202]

1/14/92 113 AFFIDAVIT of Craig Lindeke (this document is a copy; however, pursuant to amendment to F.R.Civ.P.5 filed copy) (jr) [Entry date 01/15/92] [4:91cv202]

1/15/92 114 The Minnesota Legislature's memorandum regarding the legislative history of Chapter 246 (8 pgs) (jr) [Entry date 01/16/92] [4:91cv202]

1/15/92 115 AFFIDAVIT No. 2 of Peter S. Wattson (separate in expandable folder) (jr) [Entry date 01/16/92] [4:91cv202]

1/15/92 116 Exhibit 10 to Affidavit No. 2 of Peter S. Wattson [115-1] (located in exhibit room - bin 10 - in Minneapolis Clerk's office) (jr) [Entry date 01/16/92] [4:91cv202]

1/15/92 117 Exhibit 11 to affidavit No. 2 of Peter S. Wattson [115-1] (located in exhibit room - bin 10 - in Minneapolis Clerk's office) (jr) [Entry date 01/16/92] [Edit date 01/16/92] [4:91cv202]

1/17/92 118 REPLY memorandum by plaintiff Duane Benson, plaintiff Terry Dempsey, plaintiff Delores Hettig, plaintiff Richard Harmon, plaintiff David E Peterson, plaintiff Frank Ringsmuth, plaintiff E M Patricia Pidcock to other parties' January 10th responses to Court's January 3, 1992 inquiry of parties [108-1] (jr) [Entry date 01/21/92] [4:91cv202]

1/17/92 119 AFFIDAVIT of State Representative Jerry Knickerbocker regarding amendment to Senate File 1597 [84-1] (separate -in expandable folder) (jr) [Entry date 01/21/92] [4:91cv202]

1/17/92 120 Map Re: amendment to Senate file 1597 - proposed congressional district - January session 1992 (separate -located in exhibit room in Minneapolis Clerk's office - Bin 10) (jr) [Entry date 01/21/92] [Edit date 01/21/92] [4:91cv202]

1/17/92 121 The Minnesota Legislature's memorandum in response to pltfs' memorandum regarding the unfairness of the Legislature's redistricting plans [107-1] (jr) [Entry date 01/21/92] [4:91cv202]

1/17/92 122 Memorandum of deft. intervenor Hennepin County (Patrick O' Connor, Auditor) in response to pltfs' memorandum (jr) [Entry date 01/21/92] [Edit date 01/21/92] [4:91cv202]

1/17/92 123 Emison Plaintiffs' reply memorandum regarding unfairness issues (jr) [Entry date 01/21/92] [4:91cv202]

1/17/92 125 MOTION by intervening-plaintiffs for reconsideration of August 21, 1991 order, and to stay its hand in the within action until the Minnesota State judiciary has completed its action with respect to congressional and legislative redistricting for the State of Minnesota (no Judge noticed in motion) no date or time noticed (jr) [Entry date 01/22/92] [4:91cv202]

1/17/92 126 Memorandum by intervenor-plaintiffs' in support of motion for reconsideration of August 21, 1991 order and for stay [125-1] (jr) [Entry date 01/22/92] [4:91cv202]

1/21/92 124 Secretary of State Joan Growe's response to pltfs' memorandum regarding Gerrymandering (jr) [4:91cv202]

1/22/92 127 County of Wright and Carver County Auditor's response to proposed congressional redistricting plans [86-1] [79-1] [54-1] [38-1] [57-1] (jr) [Entry date 01/23/92] [4:91cv202]

1/30/92 129 MEMORANDUM by plaintiffs in opposition to intervening plaintiffs' motion for reconsideration and stay [125-1] [125-2] (10 pgs) (sh) [Entry date 01/31/92] [4:91cv202]

1/30/92 130 AFFIDAVIT of Lois Klostreich opposing intervening pltfs' motion for reconsideration and for stay [125-1] [125-2] (3 pgs, plus exh) (sh) [Entry date 01/31/92] [4:91cv202]

1/31/92 132 ORDER (Judge Paul A. Magnuson / 1/31/92) that the hearing scheduled for Tuesday, February 4, 1992, is canceled. (c: attys.) (jr) [Entry date 02/04/92] [4:91cv202]

2/11/92 133 ORDER (Circuit Judge Donald P. Lay / 2/11/92) That the motion filed on behalf of the intervening plaintiffs for reconsideration of stay and for other relief is hereby denied [125-1] [125-2] (cc: all counsel) (2 pgs) (gb) [Entry date 02/13/92] [4:91cv202]

2/19/92 134 MEMORANDUM, OPINION, AND ORDER: (U. S. Circuit Judge Donald P. Lay & Judge Paul A. Magnuson dated 2/19/92 Judge Harry H. MacLaughlin dissents) that deft. Joan Growe, the duly elected & qualified Secretary of State of the State of MN, in her official capacity, as the chief election officer of the State of MN & all those acting by & under her authority, accept filings & conduct elections only in accordance with the provisions of this order, & in conformity with the election statutes of the State of MN which are not inconsistent therewith. Deft. Growe & those acting by & under her authority are enjoined from accepting filings otherwise than in conformity with

this order, or from declaring the results of any such election held otherwise than in confirmity with the order of this court, except as may be provided by law for the appeal of this order to the Supreme Court of the United States. Jurisdiction is retained for the purpose of making any further orders deemed necessary to insure the effectuation of our order adopting a state legislative redistricting plan and a congressional redistricting plan for the State of MN, & this order permanently enjoining interference with said redistricting plans. Appropriate orders taxing costs against Joan Growe, Secretary of State of the State of MN, will be entered for Masters' fees & expenses, assistants' fees & expenses, printing expenses, computer expenses & miscellaneous supplies & equipment. Let Judgment be Entered Accordingly. (cc: all counsel) (67 pgs+exhibits) (Separate). (cf) [4:91cv202]

2/19/92 135 JUDGMENT: (cc: all counsel). (1pg) (cf) [4:91cv202]

2/26/92 136 NOTICE OF APPEAL to the Supreme Court of the United Statesb by intervenor-defendant Patrick O' Connor from judgment entered 2/19/92 [134-2] (4 pgs) (sh) [4:91cv202]

2/28/92 137 MOTION by defendant Joan Anderson Growe, intervenor deft. MN House of Representatives, intervenor deft. MN State Senate, intervening

defts', Patrick O' Connor, Hennepin County Auditor, individually and on behalf of all county auditors of the State of Minnesota, Intervening Defendant, and Patrick Cotlow, Phillip Krass, Sharon LaComb, James Stein and Theodore Suss, Intervening Plaintiffs for stay of judgment pending appeal (no Judge noticed in motion) no time or date noticed (jr) [Entry date 03/03/92] [4:91cv202]

2/28/92 138 Memorandum of law of Joan Growe, deft.; The Minnesota State House of Representatives and the Minnesota State Senate, Intervening defts.; Patrick O' Connor, Hennepin County Auditor, intervening deft.; Patrick Cotlow, Phillip Krass, Sharon LaComb, James Stein and Theodore Suss, intervening pltfs' in support of motion for stay of enforcement of judgment pending appeal [137-1] (jr) [Entry date 03/03/92] [4:91cv202]

2/28/92 139 Affidavit of Elaine V. Voss, Deputy Secretary of State of the State of Minnesota supporting motion of various individuals to stay enforcement of judgment pending appeal thus supporting memorandum regarding same [138-1] (jr) [Entry date 03/03/92] [Edit date 03/03/92] [4:91cv202]

2/28/92 140 AFFIDAVIT of Todd Otis supporting motion of various individuals for stay of judgment pending appeal [137-1] thus supporting memorandum regarding same [138-1] (jr) [Entry date 03/03/92] [4:91cv202]

2/28/92 141 Exhibits supporting motion of various individuals to stay enforcement of judgment pending appeal [137-1] thus supporting memorandum regarding same [138-1] (jr) [Entry date 03/03/92] [4:91cv202]

2/28/92 142 AFFIDAVIT of Mary Ann McCoy supporting motion of various individuals for stay of enforcement of judgment pending appeal [137-1] thus supporting memorandum regarding same [138-1] (jr) [Entry date 03/03/92] [4:91cv202]

3/2/92 143 CERTIFIED COPY of judgment from the United States Supreme Court that the appeal filed in district court on 12/13/91 is dismissed as moot since the order of this Court dated 1/10/92, vacated the order from which the appeal was taken.(Notice to Counsel) (1 pg) (lb) [Entry date 03/04/92] [4:91cv202]

3/3/92 144 MEMORANDUM by plaintiffs and defendant Lundgren in opposition to motion to stay enforcement of judgment pending appeal (27 pgs) (sh) [Entry date 03/05/92][4:91cv202]

3/3/92 145 AFFIDAVIT of Bruce D. Willis, regarding attached exhibits,opposing Growe's motion for stay of judgment pending appeal [137-1] (3 pgs, plus exh) (sh) [Entry date 03/05/92][4:91cv202]

3/3/92 146 AFFIDAVIT of Robert C. Weinholzer opposing Growe's motion for stay of judgment pending appeal [137-1] (2 pgs) (sh)[Entry date 03/05/92] [4:91cv202]

3/9/92 147 ORDER (Judge Donald P. Lay and Judge Paul A. Magnuson/3/9/92) that the motion of the deft. intervenors to stay the effect of our order dated 2/19/92 is denied - Judge Harry H. MacLaughlin dissents from this order [137-1] (c:attys.) (jr) [Entry date 03/11/92] [4:91cv202]

3/20/92 148 MOTION by Benson plaintiffs' for award of costs (no Judge noticed in motion), including attorney fees no time or date noticed in motion (jr) [Entry date 03/24/92] [4:91cv202]

3/20/92 149 Memorandum by Benson plaintiffs' in support of motion for costs including attorney fees [148-2] (jr) [Entry date 03/24/92] [4:91cv202]

3/20/92 150 AFFIDAVIT of Joseph T. O'Neill supporting the Benson Pltfs' motion for award of costs including [148-1] attys' fees [148-2] thus supporting memorandum regarding same [149-1] (jr) [Entry date 03/24/92] [4:91cv202]

3/20/92 151 MOTION by Emison plaintiffs' for attorney fees, and for costs (no Judge noticed in motion), in the alternative to stay the period for application for award of attys' fees and costs no time or date

notice in motion (jr) [Entry date 03/24/92] [4:91cv202]

3/20/92 152 Memorandum of law supporting Emison pltfs' motion for award of attys' fees and costs [151-1] [151-2] (jr) [Entry date 03/24/92] [4:91cv202]

3/20/92 153 Affidavit of Mark B. Peterson in support of Emison pltfs' motion for attys' fees [151-1] thus supporting memorandum regarding same [152-1] (jr) [Entry date 03/24/92] [4:91cv202]

3/31/92 154 MEMORANDUM by defendant Joan Anderson Growe in opposition to dfts' motion for attorney fees and costs [151-1] [148-1] (2 pgs) (sh) [4:91cv202]

4/1/92 155 ORDER (Judge Paul A. Magnuson / 3/31/92) taxing special master's fees & expenses as follows: the State of Minnesota is to pay to the Clerk of the United States District Court the sum of $157,980.33 as and for Special Masters' fees and expenses incurred in the above captioned action to be disbursed among Special Masters as set forth in this order. IT IS FURTHER ORDERED that the Clerk deposit said monies into the Court Registry Fund until further order of the court. Payment shall be made thirty (30) days from the date of this order. (c: attys.) (jr)[Entry date 04/02/92] [4:91cv202]

4/3/92 156 ORDER (Judge Paul A. Magnuson / 4/2/92) that technical changes be made to the Court's Order dated 2/19/92 (cc: all counsel) (3 pgs) (sh) [4:91cv202]

4/3/92 157 CERTIFIED COPY OF AN ORDER FROM THE UNITED STATES SUPREME COURT that the statement of jurisdiction in this case having been submitted and considered by the Court in this case, in this case probable jurisdiction is noted. (cc: all counsel) (lb) [Entry date 04/08/92] [4:91cv202]

4/21/92 158 ORDER (Judge Paul A. Magnuson / 4/20/92) that the Court's Order taxing special master's fees and expenses dated 3/31/92 is amended by adding $765.38 to the fees and expenses due to Joe Dixon; the State of Minnesota shall pay to the Clerk of the United States District Court, the sum of $158,055.66 of special master's fees and expenses; the clerk shall deposit said monies into the Court Registry Fund until further order of the Court; payment shall be made within 30 days from the date of this Order (cc: all counsel) (3 pgs) (sh) [4:91cv202]

4/24/92 -- RECEIPT #101302 in the amount of $157,980.33 placed in Registry Fund (sh) [Entry date 04/28/92] [4:91cv202]

4/28/92 -- RECEIPT #101367 in the amount of $765.38 placed in Registry Fund (sh) [4:91cv202]

5/1/92 159 ORDER (Judge Paul A. Magnuson / 4/25/92) that the Court's Order dated 4/20/92 is amended. The state of Minnesota shall pay to the Clerk of the U.S. District Court the sum of $158,745.71 for special master's fees and expenses. The Clerk shall deposit said monies into the Court Registry Fund until further order of the Court. Payment shall be made within 30 days from the date of this order. (cc: attys.) (3 pgs) (jr) [Entry date 05/04/92] [4:91cv202]

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

James Emison, Judy Fairbanks, Marie Iverson, Ken Dean, Steve Castillo, Lew Freeman, and Yao Lo, individually and on behalf of all Citizens and Voters of the State of Minnesota similarly situated,

Plaintiffs,

and

Patricia Cotlow, Phillip Krass, Sharon LaComb, James Stein, and Theodore Suss, individually and on behalf of all Citizens of Minnesota similarly situated,

Intervening Plaintiffs,

Civil File No. 4-91-202

ORDER

v.

Joan Growe, Secretary of State of Minnesota; and Dale G. Folstad, Hennepin County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendants,

and

The Seventy-seventh Minnesota State House of Representatives and the Seventy-seventh Minnesota State Senate,

Defendant-Intervenors,

and

Patrick O'Connor, Hennepin County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendant-Intervenor.

AND

Duane Benson, Terry Dempsey, Delores Hettig, Richard Harmon, David E. Peterson, E.M. Patricia Pidcock, and Frank Ringsmuth,

Plaintiffs,

v.

Joan Growe, Secretary of State of the State of Minnesota,

Defendant,

and

Patrick O'Connor, Hennepin County Auditor, individually and on behalf of all County Auditors of the State of Minnesota,

Defendant-Intervenor.

IT IS HEREBY ORDERED that the following technical changes be made to the court's order dated February 19, 1992:

Page	Change
12	Fourth line down: "and" should be "an".
13	Eighth line down: "S.F." should be "Senate File".
20	Quote from Gingles at the bottom (sixth line up): delete the first "also" after "We".
26	Delete first "total" in first sentence of the new paragraph (twelve lines from the top).
29	Third line down: "defendant intervenor" should be "defendant intervenors".
31	Footnote 40: Delete "senate" in the last line.
36	Second line up from bottom (not counting footnote): Capitalize the word "governor".
38	Fourth line up from bottom: Cite should read "Minn. H.R. Con. Res. . . . ", not just "H.R. Con. Res. . .".
40	Second full paragraph, fourth line down: Insert a comma after "i.e.".
41	Last paragraph, fourth line up from bottom: "(1.60 persons)" should be "(508 persons)".
45	Footnote 48: ":" after "gerrymander" should be "!", and "Watson" should be "Wattson".
46	Fourth line up from bottom (not counting footnote): Should read "Robins & Eller", not "Robins & Miller".

48 The "D." appearing before the heading "Congressional Plan" should be deleted.

48 Footnote 51, ten lines up from bottom: Insert a period after the first elipse within the quote.

50 Fourth and eighth lines up from bottom: "greater" should be capitalized both times.

51 First full paragraph, fifth line down: Insert a period after "IV.B.".3

The parties are advised that this is the final form of our decision.

Dated: April 2, 1992.

BY THE COURT

/s/
Paul A. Magnuson
United States District Court Judge

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1991

JOAN GROWE, SECRETARY OF THE STATE OF MINNESOTA; THE SEVENTY-SEVENTH MINNESOTA STATE HOUSE OF REPRESENTATIVES AND THE SEVENTY-SEVENTH MINNESOTA STATE SENATE; PATRICK O'CONNOR, HENNEPIN COUNTY AUDITOR, INDIVIDUALLY AND ON BEHALF OF ALL COUNTY AUDITORS OF THE STATE OF MINNESOTA; AND PATRICIA COTLOW, PHILLIP KRASS, SHARON LACOMB, JAMES STEIN, AND THEODORE SUSS, INDIVIDUALLY AND ON BEHALF OF ALL CITIZENS OF MINNESOTA SIMILARLY SITUATED,

Appellants,

vs.

JAMES EMISON, JUDY FAIRBANKS, MARIE IVERSON, KEN DEAN, STEVE CASTILLO, LEW FREEMAN, AND YAO LO, INDIVIDUALLY AND ON BEHALF OF ALL CITIZENS AND VOTERS OF THE STATE OF MINNESOTA SIMILARLY SITUATED; DUANE BENSON, TERRY DEMPSEY, DELORES HETTIG, RICHARD HARMON, DAVID E. PETERSON, E.M.

PATRICIA PIDCOCK, AND FRANK RINGSMUTH; AND MARK LUNDGREN, CARVER COUNTY AUDITOR, INDIVIDUALLY AND ON BEHALF OF ALL COUNTY AUDITORS OF THE STATE OF MINNESOTA,

Appellees.

On Appeal From The United States District Court
For The District of Minnesota

AFFIDAVIT OF JOAN ANDERSON GROWE, SECRETARY OF STATE OF THE STATE OF MINNESOTA

Joan Anderson Growe, being duly sworn, deposes and says:

1. I am the duly elected Secretary of State of the State of Minnesota.

2. Under the provisions of Minn. Stat. chapters 200 through 211, I am charged with the duty of keeping records of state elections, giving notice of state elections, receiving filings of candidates for state elective offices, preparing ballots and instructions to voters, distributing copies of the election laws of the State of Minnesota, receiving election returns, furnishing blank election ballots and forms to the several county auditors, furnishing certificates of election to successful legislative candidates in multi-county districts and to successful candidates for election to the United States Congress, serving on the State Canvassing Board, and various other election duties.

3. In order to perform my election duties, I must

know the legislative and congressional districts prescribed by law by the State of Minnesota. Preparations for the 1992 elections has been particularly difficult because of the uncertainty surrounding the appropriate districting of the state legislature. The Minnesota Legislature enacted 1991 Minn. Laws ch. 246 ("Chapter 246") on May 29, 1991, which was then vetoed by the governor. The governor's veto was declared invalid in Seventy-Seventh Minnesota State Senate v. Carlson, Court File No. C3-91-7547 (Minn. Dist. Ct., 2d Judicial Dist., August 2, 1991). Since that time I, along with local election officials, have proceeded with preparations for the 1992 elections based on the districts established in Chapter 246.

4. On January 30, 1992, the Special Redistricting Panel appointed by the Minnesota Supreme Court entered judgment on a legislative redistricting plan embodied in the Findings of Fact. Conclusions of Law, and Order for Judgment on Legislative Redistricting. This plan was based on Chapter 246 and corrected any defects in the law which the court found to be violative of the Minnesota and United States Constitutions.

5. On January 31, 1992, my counsel, John R. Tunheim, along with Hennepin County Attorney Michael Freeman, sent out a letter instructing local units of government that the state court's legislative redistricting plan had become final on January 30, 1992, and that statutory requirements for local redistricting had therefore begun to run. Exhibit 1, attached. The letter informed local units of government that city wards and precinct boundaries must be drawn by March 30, 1992, and that all other election districts must be drawn by April 20, 1992. Id. Minnesota law requires that local districts be based on legislative district boundaries. See Minn. Stat. § 204B.135 and 204B.14 (Supp. 1991).

6. My office and many local units of government have made considerable efforts and incurred considerable expenses going forward with local redistricting. These efforts of the state and local units of government involved in these redistricting efforts are described in paragraphs 10 to 15 below.

7. On February 19, 1992, the federal district court issued its Memorandum Opinion and Order establishing both legislative and congressional redistricting plans for the State of Minnesota. The federal court's order enjoins me and others acting under my authority from accepting filings and conducting elections except in accordance with the federal court's plan. The legislative districts created by the federal court are completely different than the districts created by the state court. It is impossible to hold an election based on districts which comply with both the state court and federal court plans.

8. If the federal court's order remains in place, a great deal of the effort and expense that has been invested into local redistricting pursuant to the state court's order will be wasted because local units of government will again have to redistrict according to the federal court plan. The effort involved in this second round of redistricting efforts is described in paragraphs 16 to 19 below.

9. While two conflicting legislative redistricting plans are in effect, the state, local units of governments, candidates for office, and Minnesota voters are subject to confusion and uncertainty about the conduct of the 1992 legislative and congressional elections.

EFFORTS ALREADY EXPENDED

10. The Office of the Secretary of State has actively been involved in the redistricting process since June, 1991. During

this period, my office has provided up-to-date information to local election officials on the progress of legislative redistricting activities on a regular basis. My office has responded to literally hundreds of inquiries from counties, municipalities, and school districts concerning the progress of the redistricting process. I estimate that the Office of the Secretary of State has spent over $75,000 dollars preparing for the 1992 elections based on Chapter 246 and the state court's legislative redistricting plan.

11. We have also been engaged in a number of other activities to facilitate the exchange of redistricting data from the state to local election officials. The following is a summary of the activities that have been completed or initiated since the summer of 1991.

a. Census data for use in local redistricting was mailed to each county auditor.

b. Rules were proposed and adopted to govern aspects of the local redistricting process.

c. Training sessions for local election officials were conducted at four locations during the first part of September, 1991, to provide instruction for administration of the local redistricting process.

d. Maps illustrating census tracts and blocks were distributed to each county auditor to be used for redistricting.

e. An agreement was made with the Legislative Coordinating Commission to exchange redistricting data between the counties and

municipalities, the Secretary of State's Office, and the legislative redistricting office as part of my office's local redistricting project.

f. Contract staff have been hired to implement system design and computer programming functions of the local redistricting project.

g. Maps to be used by cities to illustrate precinct and ward boundaries after adoption of the state-court-ordered legislative plan were mailed to cities with more than one precinct.

h. My office reviewed the status of redistricting activities at county auditors' conferences in Detroit Lakes and Minnetonka.

12. I am also aware that the Hennepin County Attorney has mailed copies of the metes and bounds descriptions of the state-court-ordered legislative redistricting plan to each county auditor.

13. There are 4,131 election precincts in Minnesota. There are 87 county auditors and 275 cities involved in redistricting in Minnesota. The county auditors and city officials have expended considerable efforts to be ready for the 1992 elections. On February 20, 1992, I conducted a survey of all the counties and cities to determine what they have done thus far toward redistricting.

14. The counties' response indicated the following progress has been made toward adopting a county commissioner plan based on the legislative district boundaries established in

the state court's January 30, 1992, judgment:

AITKIN: Draft plan in progress.

ANOKA: Plan complete except for public hearings; public hearings scheduled for April 14, 1992.

BECKER: Plan complete except for public hearings; public hearings scheduled for March 17, 1992.

BELTRAMI: Plan complete except for public hearings; public hearings scheduled for March 16, 1992.

BENTON: Plan complete except for public hearings; public hearings scheduled for March 3, 1992.

BIG STONE: Plan complete except for public hearings; public hearings scheduled for March 17, 1992.

BLUE EARTH: Plan complete except for public hearings; public hearings scheduled for March 23. 1992.

BROWN: Plan nearly complete; waiting on cities.

CARLTON: Draft plan in progress.

CARVER: Draft plan in progress.

CASS: Plan complete except for public hearings; public hearings scheduled for April 7, 1992.

CHIPPEWA: No change to current plans expected; no redistricting required.

CHISAGO: Draft plan in progress.

CLAY: Plan complete except for public hearings; public hearings scheduled for March 11, 1992.

CLEARWATER: Plan complete except for public hearings; public hearings scheduled for March 17, 1992.

COOK: Plan complete except for public hearings; public hearings scheduled for April 14, 1992.

COTTONWOOD: Draft plan in progress.

CROW WING: Draft plan in progress.

DAKOTA: Plan nearly complete; waiting on cities.

DODGE: Plan nearly complete; waiting on City of Kasson.

DOUGLAS: Plan complete except for public hearings; public hearings scheduled for April 14, 1992.

FARIBAULT: Draft plan in progress.

FILLMORE: Draft plan in progress.

FREEBORN: Draft plan in progress.

GOODHUE: Plan complete except for public hearings; public hearings scheduled for February 28, 1992.

GRANT: Plan adopted.

HENNEPIN: Plan complete except for public hearings; public hearings scheduled for March 8 and 26, 1992.

HOUSTON: Draft plan in progress.

HUBBARD: No changes in current districts expected: no redistricting required.

ISANTI: Draft plan in progress.

ITASCA: Plan adopted.

JACKSON: Plan adopted.

KANABEC: Draft plan in progress.

KANDIYOHI: Plan complete except for public hearings; public hearings scheduled for April 18, 1992.

KITTSON: Plan adopted.

KOOCHICHING: Plan complete except for public hearings; public hearings scheduled for March 4, 1992.

LAC QUI PARLE: Plan complete except for public hearings; public hearings scheduled for March 3, 1992.

LAKE: Draft plan in progress.

LAKE OF THE WOODS: Plan complete except for public hearings; public hearings scheduled for March 10, 1992.

LESUEUR: Plan adopted.

LINCOLN: No change in current plan expected; no

redistricting required.

LYON: Draft plan in progress.

MCLEOD: No progress.

MAHNOMEN: Plan adopted.

MARSHALL: Plan complete except for public hearings.

MARTIN: Plan complete except for public hearings.

MEEKER: Draft plan in progress.

MILLE LACS: Proposed plan rejected.

MORRISON: Plan complete except for public hearings.

MOWER: Plan complete except for public hearings.

MURRAY: Draft plan in progress.

NICOLLET: Plan complete except for public hearings; public hearings scheduled for April 14, 1992.

NORMAN: Plan adopted.

NOBLES: Draft plan in progress.

NORMAN: Plan adopted.

OLMSTED: Draft plan in progress.

OTTER TAIL: Draft plan in progress.

PENNINGTON: Draft plan in progress.

PINE: No progress.

PIPESTONE: Plan complete except for public.hearings; public hearings scheduled for March 10, 1992.

POLK: No change to current plan expected: no redistricting required.

POPE: Plan complete except for public hearings; public hearings scheduled for March 24, 1992.

RAMSEY: Draft plan in progress.

RED LAKE: Plan complete except for public hearings; public hearings scheduled for March 9, 1992.

REDWOOD: No change to current plan expected: no redistricting necessary.

RENVILLE: Plan complete except for public hearings; public hearings scheduled for March 3, 1992.

RICE: Plan complete except for public hearings; public hearings scheduled for April 17, 1992.

ROCK: Draft plan in progress.

ROSEAU: Plan adopted.

ST. LOUIS: Draft plan in progress.

SCOTT: Draft plan in progress.

SHERBURNE: Plan complete except for public hearings; public hearings scheduled for March 18, 1992.

SIBLEY: Draft plan in progress.

STEARNS: Plan complete except for public hearings; public hearings scheduled for April 14, 1992.

STEELE: Plan complete except for public hearings; public hearings scheduled for April 14, 1992.

STEVENS: Draft plan in progress.

SWIFT: Plan complete except for public hearings; public hearings scheduled for April 7, 1992.

TODD: Plan complete except for public hearings; public hearings scheduled for March 31, 1992.

TRAVERSE: Plan complete except for public hearings; public hearings scheduled for March 3, 1992.

WABASHA: Plan complete except for public hearings; public hearings scheduled for March 3, 1992.

WADENA: Draft plan in progress.

WASECA: Plan nearly complete: public hearings scheduled for April 7. 1992.

WASHINGTON: Draft plan in progress.

WATONWAN: Draft plan in progress.

WILKIN: Plan adopted.

WINONA: No change to current plan expected; no

redistricting required.

WRIGHT: Draft plan in progress.

YELLOW MEDICINE: No change to current plan expected; no redistricting required.

15. The response of the cities involved in redistricting is attached as Exhibit 2 hereto.

EFFORTS NECESSARY TO COMPLETE REDISTRICTING UNDER THE FEDERAL COURT ORDER

16. If the federal court's legislative plan must now be used instead of the state court's plan, the redistricting efforts of a substantial number of counties and cities will have to be reconsidered. Any county with a municipality that has been divided by the federal court's legislative boundaries may have to redo its county commissioner districts and precincts. Similarly, the municipalities will have to examine the federal court's plan to determine whether their redistricting efforts will have to be redone. Because of the extensive progress already made in local redistricting efforts, there is now significant confusion and uncertainty with respect to the next steps that must be taken by local election officials in view of the two separate redistricting orders.

ADDITIONAL LARGE PROJECTS WHICH MUST BE COMPLETED SOON

17. My office will need to update 2,650,000 voter registration records to reflect new precinct and election district assignments. I estimate that this joint effort between my office and the 87 county auditors will require a minimum of 10 weeks. Our current plan is to complete this activity no later than June 30, 1992. This will permit candidates for public office to obtain

accurate and completely updated lists of registered voters from my office prior to the start of the period for filing affidavits of candidacy on July 7, 1992. The delay caused by the two different redistricting orders make these timelines more difficult to meet.

18. In preparation for the filing period, county auditors will be required by 1992 Minn. Laws ch. 349, § 33 to publish descriptions of their congressional, legislative, and county commissioner districts no later than June 23, 1992.

19. 1991 Minn. Laws ch. 349, § 33 requires that each voter affected by a precinct boundary change must be notified by September 1, 1992. In cooperation with the county auditors and the municipal clerks, our office will be sending a mailed notice to approximately 800,000 registered voters. I estimate that it will take a minimum of 8 weeks to complete the production and mailing of these notices. These notices cannot be sent until the voter records have been updated. Our current plan is to complete this activity no later than August 28, 1992. These required activities are very time consuming and, in my opinion, cannot be delayed beyond the stated deadlines.

/s/
JOAN ANDERSON GROWE
Secretary of State
State of Minnesota

Subscribed and sworn to before me
this 2nd day of March, 1992

/s/
Notary Public

EXHIBIT 1

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

102 STATE CAPITOL
ST. PAUL, MN 55155
HUBERT H. HUMPHREY, III TELEPHONE (612) 396-6196
Attorney General FACSIMILE: (612) 297-4193

JANUARY 31, 1992

Dear Local Election Official:

As you are well aware, Minnesota law requires local election districts to be redistricted within a specified number of days "after the legislature has been redistricted." Minn. Stat. §§ 204B.135 and 204B.14 (Supp. 1991) provide that city wards and precinct boundaries must be redistricted within sixty days and Minn. Stat. § 204B.135. subd. 2 (Supp. 1991) mandates all other local government election districts to be redistricted within eighty days. These time requirements have been the subject of several injunctions in the cases that have been brought involving redistricting.

The special state court redistricting panel in Cotlow v. Growe issued an order for judgment on December 9 establishing a final legislative redistricting plan. This plan was stopped by the federal court redistricting panel in Emison v. Growe on December 5, but the federal order was subsequently vacated by the United States Supreme Court on January 10, which reinstated the state panel's order. On January 30,1992, the state redistricting panel signed an order entering the judgment, thus establishing the state court plan as the redistricting plan for the legislature. At this time,

there are no injunctions in place which would stop enforcement of this plan.

In our view, the legislature "has been redistricted" and thus the time deadline for redrawing local election districts started, effective January 30, 1992. We recognize that the possibility exists that the state court judgment will be appealed, and there is a ninety day window for appeal. In addition, the federal panel may attempt to further review the state court plan, although we do not believe there is a legal basis to do so. Nevertheless, we believe that local districts should proceed with redrawing local boundaries in an expeditious manner. If there are further court orders which halt the process, we will so advise you as well as keep you informed of any new developments.

To summarize, city wards and precinct boundaries must be redrawn by March 30, 1992; all other election districts by April 20, 1992. It is important to achieve finality in this process as soon as possible so that the new lines are drawn well in advance of the 1992 primary and general election. Please feel free to contact us if you have any questions.

Sincerely,

/s/	/s/
MICHAEL O. FREEMAN	JOHN R. TUNHEIM
Hennepin County Attorney	Chief Deputy Attorney General
(612) 348-3099	(612) 296-2351
Attorney for Hennepin County Auditor	Attorney for Minnesota Secretary of State Joan Growe

EXHIBIT 2 to Growe Affidavit

STATUS OF MUNICIPAL REDISTRICTING	
CITIES AND TOWNSHIPS WITH MORE THAN ONE PRECINCT THAT HAVE COMPLETED REDISTRICTING	IF PRECINCTS/ WARDS NOT ESTABLISHED DATE OF PUBLIC HEARING
Apple Valley	Ada
Arden Hills	Albert Lea
Baudette	Alexandria
Brooklyn Center	Benson
Buffalo	Brainerd
Corcoran	Chaska
Crosby	Detroit Lakes
Dayton	Hugo
Deephaven	International Falls
Falcon Heights	Jackson
	Bemidji 3/2
	Blaine 3/5
	Bloomington 3/16
	Blue Earth 4/17
	Burnsville 3/2
	Caledonia 3/10
	Champlin 3/9
	Coon Rapids 3/24
	Crookston 3/10
	Crystal 3/2

IF SPECIFIC DATE NOT SET WHAT HAS BEEN COMPLETED
Afton - Have Plan
Brooklyn Park - Have Plan
Cloquet - Have Plan
Cottage Grove - Developing Plan
Fairmont - Have Plan
Hibbing - Developing Plan
Little Falls - Developing Plan
Minnetonka - Have Plan
Northfield - Have Plan
Oakdale - Multiple Plans

CITIES AND TOWNSHIPS WITH MORE THAN ONE PRECINCT THAT HAVE COMPLETED REDISTRICTING	CITIES WITH WARDS THAT HAVE COMPLETED REDISTRICTING	IF PRECINCTS/ WARDS NOT ESTABLISHED DATE OF PUBLIC HEARING	IF SPECIFIC DATE NOT SET WHAT HAS BEEN COMPLETED
Farmington	Le Center	Eagan 3/2	Robbinsdale
Fosston	Le Sueur	East Grand Forks 3/5	Rochester - Early Stages
Glenwood	Luverne	Elk River 3/2	St. Louis Park - Have Plan
Grand Rapids	Madison	Eveleth 3/17	Thief River Falls- Developing Plan
Greenway	Melrose	Fridley 3/2	Two Harbors - Have Plan
Hassan	Montgomery	Hastings 3/16	Worthington - Developing Plan
Hopkins	Mower	Kasson 3/3	
Hutchinson	Pipestone	LaCrescent 3/3	
Lakefield	Red Lake Falls	Lakeville 3/16	
Libby Twp.	Red Wing	Litchfield 3/2	
Madelia	Red Wood Falls	Mankato 3/23	
Marshall	Sauke Center	Minneapolis	
Mendota Heights	St. Peter	North Mankato 3/16	

CITIES AND TOWNSHIPS WITH MORE THAN ONE PRECINCT THAT HAVE COMPLETED REDISTRICTING	CITIES WITH WARDS THAT HAVE COMPLETED REDISTRICTING	IF PRECINCTS/ WARDS NOT ESTABLISHED DATE OF PUBLIC HEARING	IF SPECIFIC DATE NOT SET WHAT HAS BEEN COMPLETED
Mora	Wabasha	Owatonna 3/2	
Mound	Waconia	Pine City 3/4	
Mounds View	Warren	Richfield 3/23	
Mt. Lake	Watervile	Rosemount 3/2	
Nashwauk	White Bear Lake	Stillwater 2/26	
New Brighton	Willmar	St. Cloud 3/16	
Orono	Windom	S. St. Paul 3/16	
Ortonville		Tracy 3/9	
Osseo		Waseca 3/17	
Prior Lake		W. St. Paul 3/9	
Roseville		Zumbrota 3/5	
Savage			
Shingobee			
St. Cloud Twp.			

CITIES AND TOWNSHIPS WITH MORE THAN ONE PRECINCT THAT HAVE COMPLETED REDISTRICTING	CITIES WITH WARDS THAT HAVE COMPLETED REDISTRICTING	IF PRECINCTS/ WARDS NOT ESTABLISHED DATE OF PUBLIC HEARING	IF SPECIFIC DATE NOT SET WHAT HAS BEEN COMPLETED
St. James Twp.			
St. Joseph Twp.			
Virginia			
Wadena			
Wheaton			

EXHIBIT 2
to Growe Affidavit

IN THE
SUPREME COURT OF THE UNITED STATES

JOAN GROWE, SECRETARY
OF STATE OF MINNESOTA, et al.,

Appellants,

v.

JAMES EMISON, et al.,

Appellees.

AFFIDAVIT OF MARJORIE CHRISTIANSON HENNEPIN COUNTY ELECTIONS

Your affiant being first duly sworn, states and alleges:

1. She is the supervisor of elections for Hennepin County.

2. In that capacity she is responsible for determining the federal, state, and county election districts applicable to each precinct and running the elections in Hennepin County. She coordinates these efforts with the cities in Hennepin County.

3. As an election supervisor for Hennepin County your affiant has studied the legislative redistricting plans in both the state redistricting panel judgment entered January 30, 1992, and the federal judgment entered on February 19, 1992. The state court judgment follows the legislative plan which became law on August 2, 1992; the federal judgment does not follow that law.

4. Your affiant has contacted all 47 of the cities in Hennepin County to determine what each city has done to complete local redistricting. She found that all of the cities have drawn precinct and ward boundary lines as established by the state court judgment. Many of those cities are single precincts which will not require redistricting unless a legislative district line divides the city.

5. Upon review of the maps which are part of the federal court judgment, she determined that many of the cities in Hennepin County would require significant adjustments to their present plans to accommodate the federal legislative judgment. The cities with the largest adjustments are among the largest cities in Minnesota.

6. Specifically, the following cities will need to make significant changes to their population balanced wards:

Minneapolis, population 386,383
Bloomington, population 86,335
Minnetonka, population 48,370
St. Louis Park, population 43,787
Crystal, population 23,788
Champlin, population 16,849

7. These cities will need to make significant changes to their precincts if the federal court judgment is upheld:

Plymouth, population 50,889
Eden Prairie, population 39,311
Maple Grove, population 38,736
Golden Valley, population 21,971
Mound, population 9,634
Deephaven, population 3,653
Medina, population 3,096

8. Several other cities in Hennepin County will need

to make, or are likely to make, minor adjustments in their local districts to accommodate the federal court judgment:

Brooklyn Park, population 56,381
Edina, population 46,070
Richfield, population 35,710
Brooklyn Center, population 28,887
New Hope, population 21,853
Orono, population 7,285
Shorewood, population 5,917

9. The expense involved in implementing the federal court judgment at the local level is significantly higher than that of the state court judgment because of the form of the data. The state court used legal descriptions to present its plan which are easily transferred to local maps. The federal court has used a combination of old precincts and census blocks to define legislative boundaries. Identifying these indicators on a map will take approximately ten times longer than transferring the state court information took. This additional cost will apply at the city, township and county levels.

10. Hennepin County will incur duplicate costs if the deadline for finalizing local election districts is extended or the federal plan is implemented.

Further your affiant saith not.

/s/
Marjorie Christianson
Hennepin County Elections

Subscribed and sworn before me
this 4th day of March, 1992.

/s/
Notary Public